

ANDOVER BOARD OF HEALTH
Minutes
September 12, 2011, 6:00 P.M.
First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:02 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman, was not present due to a scheduling conflict.

I. Approval of Minutes

- **Board of Health Meeting of August 15, 2011**

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of the Board of Health Meeting of August 15, 2011. Unanimous approval.

II. Appointments & Hearings

- **6:00 p.m. – Sandy Kiu for Peking Garden, Show Cause Hearing (Continued)** – Ms. Kiu was present at the meeting. Ms. Martin explained that the new Private Inspector that Ms. Kiu hired did two inspections and was providing updates, but was not using the Inspection Forms that we use. Mr. Carbone replied that he was going to meet with the new inspector to go over our procedures and give her our inspection paperwork. Mr. Carbone provided the Board with correspondence that he received from the Private Inspector with her notes from 7/23/11 and 9/2/11. ¹ In the mail today, Mr. Carbone received the training aides the Private Inspector was using. Ms. Martin asked Ms. Kiu how she thought things were working out with the new Private Inspector. Ms. Kiu replied that she felt things were going very well. She showed the Board the list that she has been using for the last month and a half that her staff follows and fills out. Ms. Martin stated that she liked the checklist because it reinforces what needs to be done and the instructions, which are written in Chinese, can be read by her staff. Mr. Carbone informed the Board that the inspector showed Ms. Kiu a video in Chinese, and then showed the video to the staff. Ms. Kiu stated that the biggest change she noted was that the restaurant was clean.

Mr. Carbone stated that he wants to meet with the Private Inspector to show her how we do inspections so that she can do her inspections following our procedure going forward. Mr. Carbone will do another inspection in the next couple of months to check to see how things are progressing. He recommended that the Board continue the monthly inspections for three more months, and then be reviewed again at the December 12, 2011 Board of Health Meeting. Mr. Carbone explained to Ms. Kiu, that at that time the Board can look at Mr. Carbone's report as well as the Private Inspector's reports to see how things are progressing. Then, if things are going well,

¹ A copy of the correspondence has been inserted into the packet after page 4.

there is a possibility that the Board may decide to require the inspections every other month.

Motion by Ms. Martin, seconded by Ms. Kellman, to continue the Show Cause Hearing for three months to the December 12, 2011 Board of Health Meeting with the condition that the Private Inspector continue with monthly inspections. Unanimous approval.

- **6:15 p.m. – Gayle Wells for 21 Off Webster Street; Appeal of Condemnation Order (Continued)** – Ms. Wells was present at the Meeting. Bill Dufresne, the Design Engineer, has submitted a revised plan. Mr. Carbone stated that this was a Drip Leaching System and is the first type of this system that he has seen. The system is pressure dosed through very small orifices, and is dosed four times a day. It is very similar to a Drip Irrigation System in a garden. The ideal part of this system is that it takes up less height and can be put into the topsoil. With this system, they will save about a foot of sand and finish grade in an area that they don't have a lot of room to do the grading. Technically the Board has already approved the LUA to allow the SAS to be 3' above SHWT where 4' is required and allow it to be 10' off the foundation, where 20' is required. Mr. Carbone is trying to confirm how close to the foundation this type of septic system has to be because he is getting conflicting information. Mr. Carbone has one minor item that has to be taken care of by the Engineer, and that is a buoyancy calculation for the septic tank. Mr. Carbone feels that this is a good system that will work well, and his recommendation is to approve the LUA's and to move forward with getting the system in before the winter so the condemnation ORDER can be lifted.

Mr. Carbone explained to Ms. Wells that this system is not necessarily more expensive, but will actually save on the cost of the sand fill; also the installation is easier. The alternative would be a pipe in stone or a diffuser type system which would still require a pump and more material. This system is less intrusive and better for grading because of the small area.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the LUA to allow the SAS to be 3' above the SHWT where 4' is required and allow it to be 10' off the foundation, where 20' is required. Unanimous approval.

Mr. Carbone expressed concern that if there was a delay in Conservation Commission approval, the system may not make it in until after the winter because the ground would be frozen. Ms. Wells replied that she would speak with the Engineer about moving things along. Mr. Carbone recommended to the Board that it continue the Appeal of the Condemnation Order for six months. The Order would not be in effect while the work is being done, and after the work is finished and the Board is notified, the Hearing could then be closed.

Motion by Ms. Martin, seconded by Ms. Kellman, to continue the Condemnation Hearing for six months. Unanimous approval.

- **6:30 p.m. – Benjamin Osgood, Jr. for 30 Fosters Pond Road, LUA to Allow SAS 86' from a well, 100' required; SAS 17' from Foundation, 20' Required** – Mr. Osgood, Engineer, was present. Mr. Carbone reminded the Board that the approval of the LUA's was held up due to a question on the well test results. We now have those test results in and the test for the neighbor's well, which was the critical one, came back satisfactory. The new well has now been drilled and does have some secondary issues. Since it is an existing structure, a variance would not be needed, but Mr. Carbone will work with the owner to put in a treatment system. Mr. Osgood stated that he wasn't aware of the testing issues. Mr. Carbone explained that the test came back high on nitrates, turbidity, and manganese. The turbidity and manganese are easily filtered out, while the nitrates are the bigger issue. However, the well is far enough away from the other septic systems, and once the well water is flowing, those results may change for the better. Most wells should be at least 100' deep or down to the bedrock depending on when water is hit.

Motion by Ms. Martin, seconded by Ms. Kellman to approve the LUA to allow the SAS to be 86' from a well where 100' is required and the SAS to be 17' from the foundation, where 20' is required, with the following conditions:

- 1. The applicant must install the new well serving this property and test its water quality prior to the issuance of a foundation permit; a certified plot plan showing the location of the new well and all septic systems within 200' of the well must be submitted also.*
- 2. The adjacent well at 29 Fosters Pond Road within 100' of the SAS must be tested by June 1st of each year at the expense of the owner of the property at 30 Fosters Pond Road.*
- 3. A deed restriction stating that the property shall have no more than 2 bedrooms and 5 rooms total shall be filed at the Registry of Deeds, and shall run with the property. This must be done prior to the issuance of a foundation permit, at the expense of the property owner.*
- 4. The local upgrade approval notice shall be recorded at the Registry of Deeds, to run with the property. This must be done prior to the issuance of a foundation permit, at the expense of the property owner*
- 5. A deed notice shall be filed for the property at 29 Fosters Pond Road (the location of the affected well) that the well will be tested annually by June 1st of each year at the expense of the owner of 30 Fosters Pond Road.*

Unanimous approval.

III. Discussion

- N/A

IV. Old Business

- N/A

V. Definitive Subdivision Plans

- N/A

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval (LUA)

- **30 Fosters Pond Road** – See Appointments at 6:30 p.m. for Motion and approval of the LUA.
- **21 Off Webster Street** – LUA to Allow the SAS to be 3' Above the Water Table where 4' is Required – See Appointments at 6:15 p.m. for Motion and approval of the LUA.
- **177 High Plain Road** – LUA to Allow a Tank to be 85' to a Wetland Bordering a Tributary to a Water Supply, 100' required; Allow One Test Hole Where Two are Required – Mr. Carbone recommended approval of the plan because any changes to the pipe length would put a bend into the line, which could cause clogging.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the LUA to allow the tank to be 85' to a wetland bordering a tributary to a water supply, where 100' is required and to allow one test hole where two are required. Unanimous approval.

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**
 - October 17, 2011 at 6 p.m. – Board of Health Meeting
 - October 26 – 28, 2011 – MHOA Conference
 - November 14, 2011 at 6 p.m. – Board of Health Meeting
 - December 12, 2011 at 6 p.m. – Board of Health Meeting
- **Mosquito Spraying Update (Not on Agenda)** - Ms. Martin asked if there was any feedback from the public concerning the spraying that took place last month.

Mr. Carbone replied that all went well, the reverse 911 call was placed and there were only a few calls with questions. There also was one call from a person in an apartment complex who praised the Board of Health for being pro-active on behalf of her and others in the apartments.

- **New Permitting Software Update (Not on Agenda)** – Ms. Martin asked how things were going with the training. Mr. Carbone replied that we had an initial training and that our contact was coming into the office to sit with Denise, the Health Administrative Assistant, to work on inputting permits and to do some troubleshooting. Mr. Carbone stated that the plan was to be live by now, but the implementation was not on schedule. Mr. Carbone asked our contact to have the program in place no later than October 15th so we could utilize the program for our yearly renewals. The plan is to go live with the Building and Health Divisions first, and then get all other Divisions into the system afterwards.

- B. Nurses' Reports for August, 2011** – The Nurses' Reports for July, 2011, were for informational purposes only.

Ms. Martin asked about Lyme Disease and if it was a reportable illness, and if the Board could encourage getting more information, such as in what areas these illnesses occur. Mr. Carbone stated that it is reportable and has to be reported by a doctor or the Lab. However, it is vastly underreported because it is only considered a confirmed case when we have the lab confirmation on it, and sometimes we do not get that information. Mr. Carbone had Kerri Barton, last year's Summer Intern, do some mapping and she found the cases were well distributed across the community.

- C. Inspectors' Reports for August, 2011** – The Inspectors' Reports for July, 2011 were for informational purposes only.

VIII. Board Member Reports

- **Meeting with Owner of Andolini's Restaurant (formerly Glory) Concerning the Reopening of the Restaurant and External Grease Trap Requirement (Not on Agenda)** – Mr. Carbone was seeking clarification of when an external grease trap is needed because there was some controversy when the owner of Glory Restaurant proposed to use a previously closed area of the restaurant. Ms. Martin took a day off from work to meet with Mr. Carbone, Buzz Stapczynski, Town Manager, and the owner. Ms. Martin informed Ms. Kellman that last year the owner wanted to open the end section (café) of his building which had been closed for several years and had a kitchen. Since this would be considered a reopening, he would be required to install an external grease trap per our new Sewer Regulations. He installed the grease trap. Mr. Carbone stated that if he was only switching out equipment or renovating the front of the establishment, a grease trap may not have been required. If the establishment closes and then reopens, then it becomes a new restaurant and an external grease trap would be required. Mr. Carbone told the owner last year that he could appeal the decision, but the owner declined to do so at that time. Mr. Carbone asked the Board for clarification of when a new grease

trap is required, since the Board has the final say in the matter. Ms. Martin stated that when the new sewer regulations were adopted the grease trap was an important addition, and that the intention was that when new businesses opened or made the major changes in venue and renovation such as Andolini's did, Mr. Carbone was correct in his assessment, and the Board would support his decision.

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:02 p.m. Unanimous approval.